

1 NO: UWY-CV15-6050025-S : COMPLEX LITIGATION DOCKET
2 DONNA L. SOTO ADM OF : JUDICIAL DISTRICT
3 ESTATE OF :
4 VICTORIA L, SOTO : OF WATERBURY
5
6 V. : AT WATERBURY, CONNECTICUT
7
8 BUSHMASTER FIREARMS : SEPTEMBER 14, 2021
9 INTERNATIONAL, LLC.
10 AKA FREEDOM

11 BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

12 A P P E A R A N C E S:

13 Representing the Plaintiff:

14 ATTORNEY JOSHUA D. KOSKOFF
15 ATTORNEY ALINOR C. STERLING
16 ATTORNEY JEFFREY W. WISNER
17 ATTORNEY H. CHRISTOPHER BOEHNING
18 ATTORNEY JACOBUS J. SCHUTTE
19 ATTORNEY LOREN GULLOTTA
20 KOSKOFF, Koskoff & Bieder, P.C.
21 350 Fairfield Avenue
22 Bridgeport, Connecticut 06604

23 Representing the Defendant(s):

24 ATTORNEY JAMES B. VOGTS
25 ATTORNEY ANDREW A. LOTHSON
26 Swanson Martin & Bell
27 330 North Wabash, #3300
Chicago, Illinois 60611

ATTORNEY JEFFREY P. MUELLER
ATTORNEY JAMES H. ROTONDO
Day Pitney, LLP
242 Trumbull Street
Hartford, Connecticut 06103

Recorded By:
Linda Coon

Transcribed By:
Linda Coon
Court Monitor/Court Reporter
400 Grand Street
Waterbury, CT 06702

1 THE COURT: All right. Good afternoon.

2 We are on the record in the Soto v. Bushmaster
3 case. Docket number 15-6050025.

4 If counsel for plaintiffs can identify
5 themselves for the record, please?

6 And just un-mute your device.

7 ATTY. KOSKOFF: Yes. I'll get it down one of
8 these days.

9 Thank you, Your Honor. Good afternoon.

10 This is Josh Koskoff along with Alinor Sterling
11 and Jeff Wisner, Lorena Gullotta from the Koskoff
12 firm representing the plaintiffs.

13 THE COURT: Good afternoon.

14 ATTY. KOSKOFF: My colleagues are on as well
15 from the Paul Weiss firm.

16 THE COURT: All right.

17 ATTY. BOEHNING: Good afternoon, Your Honor.
18 Chris Boehning.

19 ATTY. SCHUTTE: Good afternoon, Your Honor,
20 Jacobus Schutte from Paul Weiss.

21 THE COURT: All right. Any other counsel of
22 record?

23 ATTY. VOGTS: This is Jim Vogts and Jim Rotondo
24 for the defendant.

25 And we apologize, but we are having technical
26 difficulty getting the audio to work on Microsoft
27 TEAMS, so you are just on audio.

1 THE COURT: All right. Anyone else?

2 ATTY. MUELLER: Jeff Mueller from Day Pitney
3 from the defendant.

4 ATTY. LOTHSON: And Andy Lothson from Swanson
5 Martin & Bell.

6 THE COURT: Thank you.

7 This should be pretty brief, so I think we can
8 proceed with some of counsel just by audio and not
9 video.

10 So, I understand that there is really nothing
11 on the agenda, but I do have one or two minor
12 concerns that I want to address now, and so that we
13 don't have any future problems.

14 I do review things as they are filed so that I
15 can get up to speed on things, and I understand that
16 the motion for protective order, and response, and
17 reply are not ready to be adjudicated today, but in
18 reading them, I had two concerns. My first concern
19 is -- and I'll ask Attorney Koskoff to answer first,
20 and then I don't know who will answer for the
21 defendants, Attorney Vogts or whoever.

22 Am I correct in understanding that the records
23 at issue were subpoenaed without an authorization,
24 Attorney Koskoff?

25 ATTY. KOSKOFF: Can I -- could I defer -- an
26 authorization from the plaintiffs?

27 THE COURT: Yes.

1 ATTY. KOSKOFF: I'm going to defer to my
2 colleague, Alinor Sterling to address that.

3 ATTY. STERLING: Yes, Your Honor.

4 THE COURT: Attorney Sterling?

5 ATTY. STERLING: Yes.

6 A subpoena was issued and the first we heard of
7 it was when it was served on us. There was no
8 authorization given by our clients.

9 THE COURT: All right. All right. Who wants
10 to, for the defense, confirm or deny that there was
11 no authorization?

12 ATTY. ROTONDO: Your Honor, this is Jim Rotondo.

13 We subpoenaed it and understood that they could
14 not be produced without the consent of the
15 plaintiffs.

16 THE COURT: Okay. So, I'm going to say this one
17 time. And if I have to say it again, there are going
18 to be major problems. When you want to get records
19 from a party in Connecticut, if the party wants to
20 voluntarily turn over the records, that's not my
21 business. So, for example, if the Remington
22 defendants informally asked the plaintiff's counsel,
23 can you give us these records and authorization, then
24 that's different. Once you use the court process,
25 for example, making a demand for the production of
26 records with a subpoena, you are involving the Court.
27 And when you want to get records from a party, you

1 must file a formal request for production and you ask
2 for the records, which in this case would be the
3 educational records, or the employment records, or
4 you ask for an authorization to do them -- to obtain
5 them. What you do not do in Connecticut, is
6 circumvent our long established rules of practice and
7 issue a subpoena.

8 Now, I understand that apparently they wouldn't
9 have been necessarily produced without taking it any
10 further but you missed a step. And once you are
11 involving me in it, I can't be silent about it, and I
12 just want to make sure that we follow the rules
13 properly. So, the representative of the estate's
14 decedents are considered a party here. So, when you
15 want their records, from any of the decedents, any of
16 the parties, file a formal request for disclosure and
17 production. Ask for the records authorization. If
18 there is no objection, you'll get them. If there is
19 an objection and you can't resolve the objection,
20 I'll resolve it. This is different from when the
21 Remington defendants tried to get Adam Lanza's
22 educational, psychiatric, psychological, and
23 educational records. He was not a party. His estate
24 was not a party to this litigation. So, you don't
25 have to -- you can't, if someone is not a party, file
26 a request for disclosure and production. So, I am
27 extremely troubled and disturbed that the Remington

1 defendants issued subpoenas demanding documents
2 without the proper authorization. It is not going to
3 happen again in this case. If you issue a subpoena,
4 you must -- for party records -- you must attach an
5 authorization to it, otherwise you are bypassing our
6 longstanding rules of practice, and I am not going to
7 have it. All right.

8 Secondly, look at the rules of practice on both
9 sides. When you file a motion, or an objection, or
10 whatever you are filing, I am directing that you only
11 include that which is material and relevant to what
12 the Court has to decide. I -- with respect to the
13 motion for protective order, and the response, and
14 the reply, there was so much extraneous, unnecessary
15 back and forth about the media coverage and the news
16 articles that had nothing to do with the issue of the
17 motion for protective order on the records that I'm
18 talking about. So, look at the rules of practice.

19 If anyone needs any further educating, I'm more
20 than happy to do it, but I am not going to have
21 anything filed that is unnecessary, that is wasting
22 everyone's time reading things that has nothing to do
23 with the motion, and I surely will not have, in a
24 case that I have to handle, a party issuing subpoenas
25 for records from another party without an
26 authorization. It's not going to happen.

27 So, I'll turn to Attorney Sterling. Do you

1 want to be heard on any of these issues? Hopefully
2 not.

3 ATTY. STERLING: No, Your Honor. Thank you.

4 THE COURT: And, Attorney Vogts?

5 ATTY. VOGTS: No, Your Honor.

6 THE COURT: All right.

7 Attorney Ferraro, when is our next status
8 conference in this matter?

9 THE CLERK: I believe it's two weeks. Let me
10 just call it up, Your Honor?

11 9-14 is today, so 9-28 at 2 o'clock.

12 THE COURT: And am I correct in understanding
13 that that motion for protective order is not ready to
14 be adjudicated? Is it being withdrawn?

15 ATTY. STERLING: No, Your Honor. The motion --
16 excuse me. Attorney Sterling for the record.

17 The motion to modify the protective order is
18 unopposed and ready to be adjudicated.

19 THE COURT: Do you agree with that, Attorney
20 Vogts?

21 ATTY. VOGTS: Yes, Your Honor.

22 THE COURT: All right. What I'm going to
23 suggest is that you re-file a joint filing with the
24 agreed upon modified protective order deleting the
25 categories that were referenced that you have
26 agreement on and adding the new categories. And just
27 so that the record is clear, this is not sealing any

1 records, this is just dealing with discovery
2 documents; is that correct?

3 ATTY. STERLING: Your Honor, for the record,
4 Attorney Sterling.

5 That is correct. This is -- the motion -- the
6 changes to the protective order will do two things.
7 They will eliminate the categories of protection that
8 had been put in place to protect Remington's
9 proprietary information and they will also make it
10 clear that protection claimed under those categories
11 is no longer effective or required under the Court
12 order.

13 THE COURT: Attorney Vogts, anything to add?

14 ATTY. VOGTS: No, Your Honor.

15 THE COURT: All right. Thank you, counsel.

16 ATTY. VOGTS: Thanks you, Your Honor.

17 ATTY. ROTONDO: Thank you.
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C E R T I F I C A T E

I, Linda A. Coon, hereby certify that this is a true and accurate transcription of the above-referenced case, heard in Superior Court, Judicial District of Waterbury, Connecticut, before the Honorable Barbara N. Bellis, on this 14th day of September, 2021.

Dated this 14th day of September, 2021, in Waterbury, Connecticut.

Linda A. Coon
Court Monitor/ Court Reporter

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